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JUL 25 2006

OFFICE OF PETITIONS

In re Patent No. 6,927,291	:	
JIN et al.	:	DECISION ON REQUEST
Application No. 10/087,112	:	FOR RECONSIDERATION OF
Filed: March 1, 2002	:	PATENT TERM ADJUSTMENT
Atty Docket No. 09797.0005-0000	:	

This letter is in response to the "NOTICE OF ERROR IN DETERMINATION OF PATENT TERM ADJUSTMENT," filed October 11, 2005. Pursuant to patentee's duty of good faith and candor to the Office, patentee requests confirmation of the issuance of a patent term adjustment of 109 days.

The request for review of the determination of patent term adjustment (PTA) is dismissed.

On October 11, 2005, patentee submitted the instant comment. On August 9, 2005, the above-identified application matured into U.S. Patent No. 6,927,291, with a revised patent term adjustment of 109 days. Patentee refers to 37 C.F.R. 1.704(c)(10) in the request for review of the patent term adjustment, stating the correct patent term adjustment period should be twenty-two (22) days.

A review of the application history supports a conclusion that the number of days adjusted for Office delay and the number of days reduced for Patentee's delay was correct. Patentee refers to 37 C.F.R. 1.704(c)(10) but otherwise does not state a basis for their disagreement with the according of 109 days of PTA. 37 C.F.R. 1.704(c)(10) states that the period of adjustment of the term of a patent will be reduced by the lesser of the number of days beginning on the date the amendment under § 1.312 was filed and ending on the mailing date of the notice in response to the amendment under § 1.312 or four months. Since four months is less than the number of days beginning on the date the

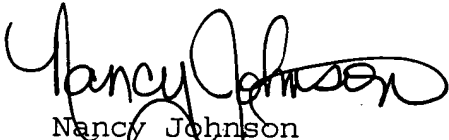
amendment under § 1.312 was filed and ending on the mailing date of the notice in response to the amendment under § 1.312, the period of adjustment was reduced by four months. A copy of the PAIR calculations for this application is enclosed. Patentee continues to be under a duty to advise the Office of any error in according too much PTA.

In view thereof, the revised Patent Term Adjustment remains one hundred nine (109) days.

As this letter was submitted as an advisement to the Office of an error in Patentee's favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to Files Repository.

Telephone inquiries specific to this matter should be directed to Denise Pothier, Petitions Examiner, at (571) 272-4787.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

enc: PAIR screen for U.S. Application No. 10/087,112

Day : Monday
Date: 7/24/2006

PALM INTRANET

Time: 16:58:50

PTA Calculations for Application: 10/087112

Application Filing Date:	03/01/2002	PTO Delay (PTO):	237
Issue Date of Patent:	08/09/2005	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	128
Post-Issue Petitions:	0	Total PTA (days):	109
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
68.5	07/20/2005	PTA 36 MONTHS			
68	08/09/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	162		62
67	07/11/2005	CORRESPONDENCE ADDRESS CHANGE			
66	07/11/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
65	06/08/2005	RECEIPT INTO PUBS			
64	06/08/2005	DISPATCH TO FDC			
63	06/08/2005	APPLICATION IS CONSIDERED READY FOR ISSUE			
62	10/29/2004	ISSUE FEE PAYMENT VERIFIED		1	35
61	06/06/2005	RECEIPT INTO PUBS			
60	06/03/2005	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
59	04/20/2005	RECEIPT INTO PUBS			
58	04/11/2005	PETITION DECISION - DISMISSED			
55	03/04/2005	RESPONSE TO AMENDMENT UNDER RULE 312			
47	01/24/2005	PETITION ENTERED			
46	10/29/2004	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	60
45	01/24/2005	WORKFLOW INCOMING PETITION IFW			
44	01/28/2005	RECEIPT INTO PUBS			
43	10/29/2004	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		0	60
42	12/17/2004	RECEIPT INTO PUBS			
41	11/19/2004	PETITION DECISION - DISMISSED			
40	10/26/2004	PETITION ENTERED			
39	11/19/2004	PETITION DECISION - DISMISSED			

38	10/26/2004	PETITION ENTERED			
37	10/29/2004	ISSUE FEE PAYMENT RECEIVED			
36	08/09/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
35	07/28/2004	MAIL NOTICE OF ALLOWANCE			
34	07/26/2004	ISSUE REVISION COMPLETED			
33	07/26/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
32	07/26/2004	NOTICE OF ALLOWABILITY			
31	01/13/2003	REFERENCE CAPTURE ON IDS			
30	07/21/2004	DATE FORWARDED TO EXAMINER			
29	07/06/2004	AMENDMENT AFTER FINAL REJECTION			
28	07/06/2004	WORKFLOW INCOMING AMENDMENT IFW			
27	05/05/2004	MAIL FINAL REJECTION (PTOL - 326)			
26	05/03/2004	FINAL REJECTION			
25	06/11/2002	MISCELLANEOUS INCOMING LETTER			
24	03/19/2004	DATE FORWARDED TO EXAMINER			
23	02/27/2004	RESPONSE AFTER NON-FINAL ACTION		2	20
22	02/27/2004	REFERENCE CAPTURE ON IDS			
21	02/27/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	11/25/2003	MAIL NON-FINAL REJECTION			
19	11/24/2003	NON-FINAL REJECTION			
18	10/25/2003	DATE FORWARDED TO EXAMINER			
17	10/20/2003	RESPONSE TO ELECTION / RESTRICTION FILED		5	15
16	10/20/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
15	07/15/2003	MAIL RESTRICTION REQUIREMENT	75		-1
14	07/14/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
13	01/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/19/2002	RECORD PETITION DECISION OF GRANTED RELATED TO ATTORNEY			
11	09/04/2002	PETITION ENTERED			
10	08/12/2002	CASE DOCKETED TO EXAMINER IN GAU			
9	07/11/2002	APPLICATION DISPATCHED FROM OIPE			
8	07/09/2002	APPLICATION IS NOW COMPLETE			
7	06/11/2002	ADDITIONAL APPLICATION FILING FEES			
6	06/11/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC			

		115, OATH OF THE APPLIC			
5	04/09/2002	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
2	03/21/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/01/2002	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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